

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

MEMORANDUM OPINION and ORDER

On October 23, 2023, the Magistrate Judge entered a Recommendation (doc. 38) to which no timely objections have been filed. Upon an independent review of the file and upon consideration of the Recommendation, it is

ORDERED as follows:

1. The Recommendation of the Magistrate Judge (doc. 38) is ADOPTED;
2. The Defendant's Answer and Special Report (doc. 21) is construed as a motion for summary judgment, and the motion for summary judgment (doc. 21) is GRANTED;
3. This case is DISMISSED with prejudice.

A separate Final Judgment will be entered.

DONE this 28th day of November, 2023.

/S/ Emily C. Marks

EMILY C. MARKS

CHIEF UNITED STATES DISTRICT JUDGE